

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**DOUGLAS S. WARD,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. 3:21-CR-05003-MDH**

**ORDER**

Before the Court is Defendant's Pro Se Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(2). Defendant was sentenced on October 17, 2022 to 240 months imprisonment following a guilty plea for conspiring to distribute 50 grams or more of methamphetamine (actual), in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A) & 846. (Doc. 99). Under 18 U.S.C. § 3582(c)(2), a Court may reduce a previously-imposed sentence for a "defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission." 18 U.S.C.A. § 3582. In 2023 the Sentencing Commission promulgated Amendment 821, which, in relevant part, allows for a two-level reduction in offense level for certain offenders who lack criminal history points at sentencing. USSG § 4C1. Contrary to Defendant's claim, however, this amendment is inapplicable to Defendant, as he received criminal history points at the time of his sentencing (Doc. 88 at ¶¶ 47-49). The 2023 amendments also downgraded the number of criminal history points a defendant receives from two to one, when the defendant commits the instant offense while under a criminal justice sentence. USSG § 4A1.1(e). At the time of sentencing, Defendant received two additional criminal history points for

committing the instant offense while under a criminal justice sentence. (Doc. 88 at ¶ 48). It is undisputed that, if sentenced today under the amended § 4A1.1(e), Defendant would have received only one additional criminal history point, rather than two. This difference, however, would have no impact on Defendant's criminal history category or guidelines range under the Sentencing Commission's Sentencing Table. USSG Ch. 5, Part A. For these reasons, Defendant's Motion to Reduce Sentence is **DENIED**.

**IT IS SO ORDERED.**

DATED: April 3, 2024

/s/ Douglas Harpool  
**DOUGLAS HARPOOL**  
**UNITED STATES DISTRICT JUDGE**